

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

JS-6

CIVIL MINUTES – GENERAL

Case No. SACV 12-00987-CJC(RNBx)

Date: July 18, 2012

Title: HSBC BANK USA, N.A. v. MARIA L. GARCIA

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PRESENT:

**HONORABLE CORMAC J. CARNEY, UNITED STATES DISTRICT JUDGE**

Michelle Urie  
Deputy Clerk

N/A  
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFF: ATTORNEYS PRESENT FOR DEFENDANT:

None Present

None Present

**PROCEEDINGS: (IN CHAMBERS) ORDER REMANDING CASE FOR LACK OF SUBJECT MATTER JURISDICTION**

On April 22, 2011, Plaintiff HSBC Bank USA, N.A. filed this action for unlawful detainer against Defendant Maria L. Garcia in California state court. On March 9, 2012, Ms. Garcia removed this action to federal court, purportedly on the basis of civil rights jurisdiction pursuant to 28 U.S.C. § 1443. On April 6, 2012, this Court remanded the case for lack of subject matter jurisdiction. On April 12, 2012, Ms. Garcia again removed this action to federal court under Section 1443. On April 30, 2012, this Court remanded the case for lack of subject matter jurisdiction. On May 8, 2012, Mr. Garcia removed her case to this court under section 1443 for a third time, and the Court again remanded for lack of subject matter jurisdiction. Ms. Garcia has, yet again, removed the action to federal court on the basis of civil rights jurisdiction.

Just as with her previous attempts to seek adjudication in federal court, Ms. Garcia has failed to explain why civil rights removal is proper in this action, how this case involves any violation of any law providing for equal civil rights, or why she cannot adequately enforce her civil rights in state court. Her allegations that the state court is depriving her of due process remain conclusory and without support. In this most recent removal notice, Ms. Garcia references diversity jurisdiction. However, diversity

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jurisdiction is inapplicable as Ms. Garcia has indicated on her civil cover sheet that she is a citizen of California.

Ms. Garcia has now removed this action four times on the same basis. The Court cannot tolerate further frivolous removal of this action. Should Ms. Garcia remove this case yet again, the Court will have no choice but to initiate contempt proceedings against Ms. Garcia. The Court certainly hopes that Ms. Garcia will not require the Court to initiate such proceedings. The Court, on its own motion, again REMANDS the case to state court.

jsk

MINUTES FORM 11  
CIVIL-GEN

Initials of Deputy Clerk MU